

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Chancellor of Fort Myers, Inc. filed an application, in reference to Chancellor of Fort Myers f/k/a University Place on behalf of Syndicated Capital Financial Services Corp., Inc., to amend an existing Commercial Planned Development (CPD), in accordance with the Lee County Land Development Code (LDC); and

WHEREAS, a public hearing was advertised and held on August 19, 1998 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #98-05-037.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on September 21, 1998 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A - REQUEST

The applicants filed a request to amend an existing Commercial Planned Development (CPD) to adopt an alternative Master Concept Plan (MCP) to permit a 200-bed Assisted Living Facility (ALF), Health Care Facility Group III, Signage, Temporary Sales/Leasing Office, Water Retention Excavation, Medical Offices, Administrative Offices, Commercial Uses Ancillary to Principal Use - Personal Services Groups I & II, and Specialty Retail Groups I & II, located in the Central Urban Land Use Category on the property described in Exhibit A. The Lee County Board of County Commissioners APPROVES the Applicant's request, subject to the conditions and deviations specified in Sections B and C.

SECTION B - CONDITIONS:

1. The project must be developed in accordance with either the Master Concept Plan (MCP) entitled "University Place" (Z-90-101) labeled as Alternative "A" and attached as Exhibit "B" or the MCP entitled "Chancellor of Fort Myers" labeled as Alternative "B" and attached as Exhibit "C". The project must be developed exclusively in accordance with only one of the two approved MCPs and may not include any combination of the two plans.
2. If the subject property is developed with the previously approved commercial office use, then the terms and conditions of zoning resolution number Z-90-101 remain in full force and effect with regard to the MCP entitled "University Place," prepared by Lee County Engineering, Inc., dated March 5, 1990, revised on August 28, 1990, and stamped received by the Zoning counter on August 28, 1990.
3. The following conditions apply to the Chancellor of Fort Myers CPD:
  - a. If the subject property is developed with the ALF that is the subject of this amendment, then the development must be in compliance with the MCP entitled

9/21/98

"Chancellor of Fort Myers" prepared by Duane Hall Engineering Inc., dated June 10, 1998, and stamped received by the Zoning counter on June 10, 1998. Notwithstanding what is shown on the MCP, the open space to be provided at build out will be forty percent (40%).

- b. The approved Schedule of Uses for the Chancellor of Fort Myers CPD is limited to the following:

Administrative Offices  
Assisted Living Facility (ALF) - limited to 200 beds  
Commercial Uses Ancillary to the Principal Use (no exterior signing or advertising will be allowed):  
- Personal Services Groups I and II  
- Specialty Retail Groups I and II  
- Bank/ ATM  
- Excavation - Water Retention  
Health Care Facility (Group III)  
Medical Offices  
Signage As Permitted By Land Development Code  
Temporary Sales/Leasing Office (limited to 12 months, which may be administratively extended for an additional 12-month period)

- c. The following Property Development Regulations will apply to the development of the subject property:

Minimum Setbacks:

Street: 25 feet  
Side: 15 feet  
Rear: 20 feet  
Water Body: 25 feet

Maximum Lot Coverage: 40 percent

Maximum Building Height: three stories or 40 feet in height, whichever is less

- d. As noted on the approved MCP, all trees that are shown on the plan must be preserved. Every reasonable effort must be made in the landscape design to preserve any remaining native trees that are located in open space areas and to preserve or relocate existing mature sabal palms to these areas.
- e. The temporary sales/leasing office is limited to a 1-story building no greater than 35 feet in height.
- f. The temporary sales/leasing office is permitted for a period of 12 months from the date the Certificate of Occupancy is granted for the temporary sales/leasing office. This period may be administratively extended for one additional 12-month period.
- g. This zoning approval does not address the mitigation of the project's vehicular or

pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order (DO).

- h. Approval of this rezoning does not give the developer the undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
- i. This development must comply with all of the requirements of the Lee County LDC at the time of local DO approval, except as may be granted by deviation as part of this planned development.

#### SECTION C - DEVIATIONS:

Deviation (1) was WITHDRAWN. The ALF is not considered a multiple-family use for zoning purposes; therefore, this deviation is not necessary.

Deviation (2) is a request to deviate from the LDC Section 10-285(c) requirement to provide a 330-foot separation distance and the shared access for a right-in/right-out entrance onto Cypress Lake Drive from an existing corner commercial parcel, to allow a right-in/right-out entrance onto Cypress Lake Drive, without requiring shared access, at a distance of 268 feet from the intersection of Buccaneer Boulevard to the proposed entrance. Deviation (2) is **APPROVED**.

Deviation (3) requests elimination of the LDC Section 10-414(a) requirement that a 15-foot buffer be placed along the north property line between the RM-2 zoned property and the proposed commercial project. Deviation (3) is **APPROVED**.

Deviation (4) requests relief from the LDC Section 30-153(2)a.4. requirement that identification signs be set back a minimum of 15 feet from any street right-of-way or easement, to allow a 5-foot setback from the Buccaneer Boulevard and Cypress Lake Drive right-of-way (ROW). Deviation (4) is **APPROVED**.

Deviation (5) requests relief from the LDC Section 34-2192(a) requirement to provide a 25-foot street setback from Buccaneer Boulevard ROW, to allow a 15-foot setback during the time the temporary sales/leasing office is permitted. Deviation (5) is **APPROVED**.

#### SECTION D - EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Master Concept Plan - University Place, Alternative "A"
- Exhibit C: Master Concept Plan - Chancellor of Fort Myers, Alternative "B"
- Exhibit D: Zoning Map

#### SECTION E - FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.

2. The requested CPD, as conditioned:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c. is compatible with existing or planned uses in the surrounding area; and
  - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.
4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. The requested deviations:
  - a. enhance the achievement of the objectives of the planned development; and
  - b. preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety and welfare.
8. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Ray Judah, and seconded by Commissioner Douglas St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 21st day of September, 1998.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Charlie Green*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*  
Chairman

Approved as to form by:

*Paul D. White*  
County Attorney's Office

MINUTES DEPARTMENT

*Paul F.*  
FILED SEP 28 1998

## EXHIBIT "A"

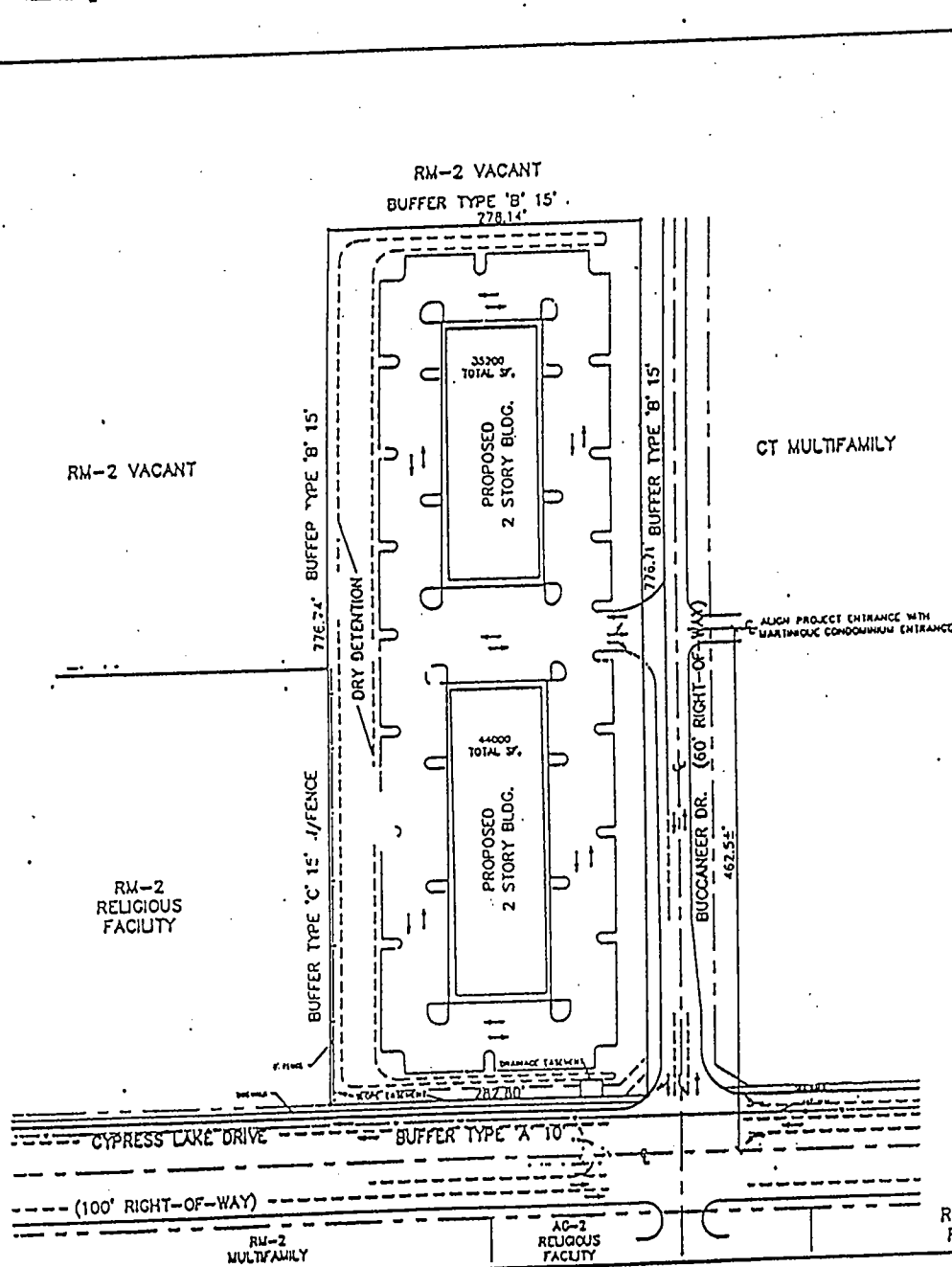
### LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Northeast Quarter (NE¼) of Section 22, Township 45 South, Range 24 East and further bounded and described as follows:

Starting at the Southwest corner of said Northeast Quarter (NE¼) of Section 22;  
THENCE East along the South line of said Northeast Quarter (NE¼) and the centerline of Cypress Lake Drive (100.00 feet wide) for 1,677.50 feet;  
THENCE N00°33'45"E for 50.00 feet to the POINT OF BEGINNING of the herein described parcel;  
THENCE continue N00°33'45"E for 776.74 feet;  
THENCE East for 278.14 feet;  
THENCE S00°13'10"W for 776.71 feet;  
THENCE West along the Northerly right-of-way line of the aforesaid Cypress Lake Drive for 282.80 feet to the POINT OF BEGINNING.

Said parcel contains 5.00 acres more or less.

The applicant has indicated that the STRAP number for the subject property is: 22-45-24-00-00001.0180.



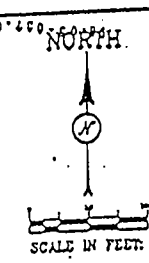
SCHEDULE OF USES

HEALTH CARE FACILITY, SECTION 1001.20  
 INSURANCE COMPANIES, SECTION 1001.23  
 RESEARCH AND DEVELOPMENT LABORATORIES, GROUP 1 ONLY,  
 SECTION 1001.24  
 RESEARCH AND DEVELOPMENT LABORATORIES, SECTION 1001.25  
 RELIGIOUS FACILITIES  
 SOCIAL SERVICES, GROUP 1, SECTION 1001.26  
 FINANCIAL INSTITUTIONS, SECTION 1001.27  
 BUSINESS SERVICES, GROUP 1, SECTION 1001.28  
 SMOKE, AS PERMITTED BY LEE COUNTY BOB ORDINANCE

GENERAL NOTES

TOTAL SITE AREA = 3.8 ACRES  
 TOTAL FLOOR AREA = 77,200 SF  
 MAXIMUM BUILDING HEIGHT = 35 FT.  
 OPEN SPACE/PAVED RATIO = 1.0  
 PARKING SPACES PROVIDED = 176  
 PARKING SPACES REQUIRED = 384

ONE SPACE PER 300 SQ. FT. (GENERAL OFFICE)  
 ESTIMATED TOTAL FLOOR AREA OF MEDICAL  
 OFFICES NOT TO EXCEED 70,000 SQ. FT.  
 PARKING SHALL MEET OR EXCEED APPLICABLE  
 REGULATIONS FOR EACH SPECIFIC  
 USE AT DEVELOPMENT ORDER STAGE



JUN 18 2014  
 PLANNING COUNTER

PROJECT # 10-00000000  
 PROJECT TYPE 12  
 JUN 18 2014

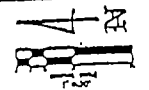
ALTERNATIVE "A"

APPROVED RECEIVED  
 JUN 23 2014  
 PLANNING COUNTER

ALL LOTS AREA DISTRICT ZONING COMMENTS	LEE COUNTY ENGINEERING INC. civil engineers - land surveyors 10000 W. UNIVERSITY BLVD. SUITE 100 FORT MYERS, FL 33907-1400 PHONE: (813) 938-1400 FAX: (813) 938-1401
PROJECT # PROJECT TYPE DATE	MASTER CONCEPT PLAN OR UNIVERSITY PLACE FOR PROPOSED CIVIL ENGINEERING BUILDING, P.C. LEE COUNTY ENGINEERING INC. FORT MYERS, FL 33907
SHEET NO. TOTAL SHEETS	SCALE 1" = 50' 1 1/2" = 100'

EXHIBIT B

~~1ST EDITION~~  
~~PERMIT COUNTER~~

[illegible]

ATTACHED TO  
MAY 1964 EDITION

101<sup>st</sup> INTERSECTION TO INTERSECTION 2.1

~~1ST EDITION BY~~  
~~PERMIT COUNTER~~

ALL GOOD TALK ABOUT SECURITY WOULD  
EMERGE TO THE SURFACE

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

98-05-037  
PROJECT #  
PROJECT TYPE:  
PRIORITY DATE

103 BCD ASSISTED CARE UNIT FACULTY (REGULAR CARE)  
30 BCD ASSISTED CARE UNIT FACULTY (REGULAR CARE)  
700 B.P. PETAL  
1000 B.P. OFFICE

Deviation 19

Deviation from the required 25 ft. setback from the Successor  
Standard right-of-way to allow a 15 ft. setback for the  
temporary sales trailer during the time it is permitted (LDC Sec  
34.21B2(a))

APPROVED BY SPECIAL AGENT IN CHARGE DATE OF APPROVAL DATE OF REVIEW	SPECIAL AGENT IN CHARGE DATE OF APPROVAL DATE OF REVIEW	<b>DIANE HALL ENGINEERING INC.</b> 601 S. BROADWAY SUITE 200 DALLAS, TEXAS 75201 TEL: 214-741-1111	MASTER CONCEPT PLAN CHANCELLOR OF PORT WATERS ATTACHMENT "P"	PAGE 1 OF 1
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The map displays a complex arrangement of lots and streets. Key features include:

- Zoning Designations:** RM-2 (Residential Medium Density), AG-2 (Agriculture Medium Density), RS-1 (Residential Single-Family), M-2 (Manufacturing Medium Density), and C-1 (Community Center).
- Streets:** Gateway Dr, GreenGate Blvd, Cypress Lake Dr, Braeburn Rd, Pinecrest Rd, Hollywood Blvd, Bennington Blvd, Michelle Vay, and Rippins Rd.
- Other Features:** A 'SUBJECT' lot is highlighted in the center. A 'POND' is located near the center-right. A 'C-1' lot is shown on the far right. A 'SUMMERBROOK' label is at the bottom right, with the date '1986/1987' below it.

98-05-03

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